

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:

ETOYS, INC., et al.,

Debtors.

Chapter 11

Case Nos. 01-0706 (RB)
Through 01-0709 (RB)

ROBERT K. ALBER, *Pro Se*,

Appellant,

V.

Civil Action No. 05-830 (KAJ)

TRAUB, BONACQUIST & FOX LLP,
BARRY GOLD, MORRIS NICHOLS
ARSHT & TUNNEL LLP, and POST-
EFFECTIVE DATE COMMITTEE OF
EBC I, INC.,

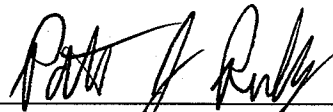
Appellees.

**APPELLEE BARRY GOLD'S MOTION TO STRIKE ITEMS IMPROPERLY
DESIGNATED BY ROBERT K. ALBER TO BE INCLUDED IN THE RECORD ON
APPEAL OF THE BANKRUPTCY COURT'S OCTOBER 4, 2005 ORDER**

Appellee Barry Gold (“Gold”), through his undersigned counsel and pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, hereby moves to strike certain documents improperly designated by Appellant, Robert K. Alber, to be included in the record on appeal of the October 4, 2005 Order of the United States Bankruptcy Court, District of Delaware (Walrath, C.J. presiding), *inter alia*, (i) denying the emergency motion filed by Mr. Alber, (ii) approving settlement agreement between Traub, Bonacquist & Fox LLP and the Office of the United States Trustee, and (iii) approving the settlement between the Post-Effective Date Committee and Goldman Sachs & Co., for and upon the reasons set forth in its Opinion, also dated October 4,

2005. The reasons supporting this Motion are set forth in Appellee's Motion to Strike Items Improperly Designated by Robert K. Alber to be Included in the Record on Appeal of the Bankruptcy Court's October 4, 2005 Order (the "TBF Motion to Strike"), filed by Appellee Traub, Bonacquist & Fox LLP on December 19, 2005. A copy of the TBF Motion to Strike, along with exhibits, is attached hereto and incorporated herein as Exhibit 1.

WHEREFORE, Gold prays that the Court enter an order (a) striking certain documents improperly designated by Appellant, Robert K. Alber, for the reasons set forth in the TBF Motion to Strike; and (b) granting Gold such further relief as is just and proper.



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Dated: December 20, 2005